

titled "A supplement to the act, entitled 'An act to provide for the opening and improving sundry navigable waters and roads within this commonwealth,'"¹ passed on the tenth day of April, one thousand seven hundred and ninety-two, and the moneys by this act appropriated, shall be paid out of the fund appropriated by law to the improvement of roads for the years one thousand seven hundred and ninety-two and one thousand seven hundred and ninety-three.

[Section V.] (Section V, P. L.) Be it further enacted by the authority aforesaid, That so much of the eleventh section of the act, entitled "An act to provide for the opening and improving sundry navigable waters and roads within this commonwealth,"² passed the thirteenth day of April, one thousand seven hundred and ninety-one, as directs the annual appropriation of five thousand pounds from and after the present year, for the purposes mentioned in the said section, be and the same is hereby repealed.

Passed April 11, 1793. Recorded L. B. No. —, p. —, (not given).

Suspended by Act of April 19, 1794. Chapter 1752. See Act of April 22, 1794, as to further appropriation for road from Wilkes-Barre to Wyalusing.

CHAPTER MDCXCV.

AN ACT TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR BUILDING A BRIDGE OVER THE RIVER SUSQUEHANNA, AT OR NEAR THE BLUE ROCK, ABOUT FOUR MILES BELOW WRIGHT'S FERRY, IN THE COUNTY OF LANCASTER.

Whereas it hath been represented by a number of the inhabitants of this commonwealth, that the erecting a good and permanent bridge across the river Susquehanna, at or near the Blue Rock, on the Lancaser side of said river, to Pleasant Garden, on the other side, in the county of York, about four miles below Wright's ferry, would greatly benefit the trade and general interest of this commonwealth: Therefore:

¹ Chapter 1645.

² Chapter 1569.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That James Short, George Duffin, Jacob Treat, Jacob Carpenter, Samuel Mickle Fox and John Hannum be, and they are, hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say: They shall and may, on or before the third Tuesday in May next, procure four books, and therein enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, managers and company for building a bridge over the river Susquehanna, the sum of one hundred and fifty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to enable the governor of this commonwealth to incorporate a company for building a bridge over the river Susquehanna. Witness our hands the—— day of—— in the year of our Lord——," and shall thereupon give notice in three of the public newspapers in Philadelphia, Lancaster and York, one whereof shall be in the German language, for one calendar month at least, of the time and place, in the city of Philadelphia, borough of Lancaster and Yorktown and Strasburgh, when and where the said books shall be open to receive subscriptions of stock for the said company, at which respective times and places some one of the said commissioners shall attend, and shall permit and suffer all persons who shall offer to subscribe in the said books, which shall for that purpose be kept open at least six hours in every juridical day, for the space of at least three successive days, if three days shall be necessary, and in any of the said juridical days, within the hours aforesaid, any person of the age of twenty-one years shall have liberty to subscribe in his own name, or by any other names, by whom he shall be authorized, for one share; on the second day, for one, two or three shares; and on any succeeding day, while the said book or books shall remain open, for any number of shares in

said stock; and if at the expiration of the said three first days, the said book opened at Philadelphia shall not have two hundred and fifty shares therein subscribed, and the book opened at Lancaster shall not have one hundred shares therein subscribed, and the said book opened at Yorktown shall not have one hundred and fifty shares therein subscribed, and the said book opened at Strasburgh shall not have two hundred shares therein subscribed, the said commissioners, respectively, may adjourn from time to time until the said number of shares shall be subscribed, of which adjournment public notice shall be given in each place; and when the said subscriptions in the said books shall amount to the respective numbers aforesaid, the same shall be respectively closed; and if on that day, and before the said subscriptions shall be declared to be full, applications shall be made to subscribe more shares than will fill the said books, or either of them, to the numbers aforesaid, respectively, then the said commissioners, respectively, shall apportion the whole number of shares unsubscribed at such respective place on the morning of that day, among all those who shall have subscribed, or offered to subscribe, as aforesaid, on that day, by deducting from the subscribers of more shares than one, such proportion of the shares by them respectively subscribed as will, with the least fraction and leaving every person one or more shares, come nearest to the exact numbers of shares aforesaid:

Provided always, That every person offering to subscribe in the said books in his own name, or any other name, shall previously pay to the attending commissioners ten dollars for every share to be subscribed, out of which shall be defrayed the expenses attending taking of such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when fifty or more shall have subscribed five hundred or more shares of the said stock, the said commissioners, respectively, may, and when the whole number of shares aforesaid shall be subscribed, they shall cer-

tify under their hands and seals, the names of the subscribers and the number of shares subscribed by or apportioned to each subscriber, to the governor of this commonwealth, and thereupon it shall and may be lawful for the governor by letters patent, under his hand and seal of the state, to create and erect the subscribers; and if the said subscriptions be not full at the time, then also those who shall after subscribe to the numbers aforesaid, into one body politic and corporate in deed and in law, by the name, style and title of "The President, Managers and Company for building a bridge over Susquehanna," and by the said name the said subscribers shall have perpetual succession and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfill the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the six persons first named in the said letters patent shall, as soon as conveniently may be after sealing the same, give notice in two of the public papers of Philadelphia, Lancaster and York, one whereof shall be in the German language, of a time and place by them to be appointed, not less than twenty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballot to be delivered in person or by proxy duly authorized, one president, five managers, one treasurer, and such other officers as they

shall think necessary to conduct the business of the said company, for one year and until such other officers shall be chosen, and may make such by-laws, rules, orders and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company.

Provided always, That no person shall have more than five votes at any election, or in determining any question arising at such meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the first Monday of January every year in each succeeding year, in such place as shall be fixed by the rules and orders of the said company to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year, and at such other times as they shall be assembled by the managers, for the purpose of making by-laws, rules, orders and regulations not inconsistent with the constitution and existing laws of this state, as shall from time to time be necessary, of which meetings previous notice shall be given in such manner as shall be provided by such by-laws, rules and orders.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers first to be chosen as aforesaid, shall procure certificates, to be written or printed, for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer and sealed with the seal of the corporation, to each person for every share by him subscribed and held, he paying to the treasurer in part of the sum due thereupon the sum of forty dollars for each share, which certificate shall be transferrable at his pleasure, in person or by attorney, in presence of the president or treasurer, subject, however, to all payments due or that may grow due thereon; and the assignee holding any certificate, having

first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and for every certificate by him held, shall be entitled to one share of the capital stock and of all the estate and emoluments of the company, and to vote as aforesaid at the meetings thereof.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall meet at such times and places, and be convened in such manner, as shall be agreed on, for transacting their business at such meetings. Three members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary to carry on said bridge, and to fix their salaries and other wages; to ascertain the times, manner and proportions when and in which the stockholders shall pay the moneys due on their respective shares, in order to carry on their work; to draw orders on the treasurer for all moneys to pay the salaries of persons by them employed, and for the materials and labor done and provided, which shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk; and to do and transact all such other acts, matters and things as by the by-laws, rules, orders and regulations of the company shall be committed to them.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder, after thirty days' notice in three of the public papers printed in the city of Philadelphia, York and Lancaster, as aforesaid, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, shall neglect to pay such proportion at the time appointed, for the space of sixty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividend so called for, pay after the rate of five per

centum per month for every delay of such payment; and if the same and the said additional penalties shall remain unpaid for such space of time as the accumulated penalties shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to said company, and may and shall be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the president and managers aforesaid, their superintendents, engineers and artists of every kind, to enter into and upon all the lands, tenements and enclosures near to where the said bridge is to be built, and to take all the stones convenient in the fish dams, and to examine the ground most proper for the purpose of the quarries of stone, gravel or sand, and other materials necessary for building said bridge, and that it shall and may be lawful for the said managers, overseers, superintendents, or any other persons employed in building said bridge, to enter with horses, wagons, carts, sleds or sleighs, or beasts of burden or draught of any kind whatsoever, that shall be employed in building said bridge, by first giving notice to the owners thereof, they doing as little damage as possible, and repairing any breaches of fences they may have occasion to make in the inclosure thereof, and making amends for any damages that may be done to any improvements thereon, by agreement, if they can agree, or if they cannot agree, then upon appraisement to be made as hereinafter directed, upon oath or affirmation by three indifferent freeholders, or any two of them agreeing, to be mutually chosen, or if the owners, upon due notice, shall neglect or refuse to join in the choice, then to be appointed by any justice of the peace of the county not interested on either side, and tender of the appraised value, to dig, take and carry away any stone, gravel, sand or earth, there being most conveniently situated, for making or repairing the said bridge.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the president and managers

of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the said undertaking, on account of their several subscriptions, and of all penalties for delay in the payment thereof, and the amount of the profits on shares that may be forfeited as aforesaid, and also of all moneys by them expended in the prosecution of the said work, and shall at least once in every year submit such accounts to a general meeting of the stockholders, until the said bridge is completed and until all the costs, charges and expenses for effecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if, upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock is not sufficient to complete the said bridge according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such shares, in like manner and under the like penalties, as are hereinbefore provided for the original subscriptions, or as shall be provided by their by-laws.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That when a good and complete bridge is erected over the said river Susquehanna, at the place aforesaid, the property of the said bridge shall be vested in the company as aforesaid, their heirs and assigns forever, and that the said company, their heirs and assigns, may demand and receive toll from travelers and others, agreeably to the following rates, viz.: For every coach, landau, chariot, phaeton or other pleasurable carriage with four wheels, drawn by four horses, the sum of one dollar; and for the same carriages with two horses, the sum of seventy-five cents; for every wagon with four horses, the sum of one dollar, and for every carriage of the

same description drawn by two horses, the sum of sixty-seven cents; for every chaise, riding chair, cart, or other two-wheeled carriage with two horses, the sum of fifty cents; and for the same with one horse, the sum of thirty-three cents; for every sleigh or sled with four horses, the sum of sixty-seven cents; and for the same with two horses, the sum of thirty-three cents; and for the same with one horse, the sum of sixteen cents; for one single horse and rider, the sum of fifteen cents; for every horse the sum of ten cents; for every foot passenger, the sum of six cents; for every head of horned cattle, the sum of six cents; for every sheep and swine, the sum of three cents.

Provided nevertheless, That the said bridge shall in nowise injure, stop or interrupt the navigation of said river, or prevent boats from crossing, or persons from fording, the said river.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That all such carriages as aforesaid, to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one horse.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if the said company, their heirs and assigns, and whosoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for passing over the said bridge than what is heretofore prescribed or specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending shall, for every such offence, forfeit and pay the sum of twenty-six dollars and sixty-six cents, one moiety thereof to the overseers of the poor for the use of the poor of the township of Windsor, in the county of York, and the poor of the township of Manor, in the county of Lancaster, equally to be divided, and the other moiety for the use of the person who may sue for the same, to be recovered before any justice of the peace of the said counties, who is hereby empowered, on information given to him, on oath or affirmation, of any such offence, to issue his summons or warrant to any constable of said county, commanding him to bring, or cause any person against whom information may be made, to

come before him, and on due proof of said offence, to convict such person thereof, and on such conviction, to issue a warrant, after the expiration of six days from the date of such conviction, to any constable to levy the sum of money on the goods and chattels of such offender by distress and sale thereof, and in case no goods and chattels may be found the property of said offender, on which to make such distress, then to take his body and commit him to the goal of the county where such offence is committed, until the sum is paid.

Provided always, That any person as aforesaid so convicted, who shall find himself aggrieved thereby, may, within the six days aforesaid, appeal to the next court of quarter sessions of the county, which appeal, on giving security within the same time, shall be allowed; and if the conviction so made by said justice shall be confirmed, the said justice shall proceed to levy the said forfeiture in manner hereinbefore directed.

And provided also, That no suit or action shall be brought, unless the same is brought within two months after the same offence is committed.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall also keep a just and true account of all and every the moneys received by their several and respective collectors of tolls, for crossing the said bridge, and shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the subscribers to the said company's stock, and shall on every second Monday of January and July every year publish the dividend to be made of the said clear profits amongst the stockholders, and of the time and place where and when the same will be paid, and shall cause the same to be paid accordingly.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the end of every third year from the date of the incorporation until two years next after the bridge aforesaid shall be completed, lay before the general assembly of this commonwealth an abstract of their accounts, showing the whole

of their capital expended in the prosecution of the said work, and of the income and profits arising from the said toll, for and during the said respective periods, together with an exact account of the costs and charges of keeping the said bridge in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known, and if at the end of two years after the said bridge shall be completed, it shall appear from the average profits of the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock of the said company so expended, then it shall and may be lawful for the president, managers and company to increase the tolls hereinabove allowed, so much upon each and every allowance thereof as will raise the dividends to six per centum per annum, and at the end of every ten years after the said bridge shall be completed, they shall render to the general assembly a like abstract of their accounts for three preceding years, and if at the end of any such decennial period, it shall appear from such abstract that the clear profits and income of the said company will bear a dividend of more than twenty-five per centum per annum, then the said tolls shall be so reduced, as will reduce the said dividend to twenty-five per centum per annum.

Passed April 11, 1793. Recorded L. B. —, p. —. (not given.)

CHAPTER MDCXCVI.

AN ACT FOR THE REGULATION OF THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA.

Whereas a well regulated militia is the only safe and constitutional method of defending a free state, and whereas, the